

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WESLEY BATTEY, JR.,

Plaintiff,

v.

U.S. SOCIAL SECURITY ADMIN.,

Defendant.

Case No.: 2:24-cv-00095-NJK

**ORDER**

On January 10, 2024, *pro se* plaintiff Wesley Battey, Jr., an inmate in the custody of the Clark County Detention Center, submitted an application to proceed *in forma pauperis* and a complaint. Docket Nos. 3, 3-1. Plaintiff's application to proceed *in forma pauperis*, however, is incomplete. *See* Docket No. 3.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

1 Here, Plaintiff's financial certificate is not signed by a prison or jail official. Docket No.  
2 3 at 4. Further, Plaintiff fails to include a copy of his trust fund account statement for the previous  
3 six-month period. *See* Docket No. 3.

4 Accordingly, for the reasons stated above,

5 Plaintiff's application to proceed *in forma pauperis*, Docket No. 3, is **DENIED**.

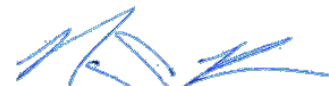
6 IT IS ORDERED that no later than **March 15, 2024**, Plaintiff must either pay the full \$405  
7 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three  
8 required documents: a completed application with the inmate's two signatures on page 3; a  
9 completed financial certificate that is signed both by the inmate and the prison or jail official; and  
10 a copy of the inmate's trust fund account statement for the previous six-month period.

11 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this  
12 action will be subject to dismissal without prejudice. A dismissal without prejudice allows  
13 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a  
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Wesley Battey, Jr. the approved  
16 form application to proceed *in forma pauperis* for an inmate and instructions for the same and  
17 retain the complaint, Docket No. 3-1, but not file it at this time.

18 IT IS SO ORDERED.

19 DATED: January 17, 2024.

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22 NANCY J. KOPPE  
23 UNITED STATES MAGISTRATE JUDGE  
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